

Frank J. Penney, who lives at the corner of Broadway and Kensington, saw the automobile come down Kensington avenue from the west, go south on Bailey avenue, and then turn right on the street where the automobile was running. The machine was slowly as he could. J. Penney saw him maneuvering for an hour.

Q. Did you notice at that time whether the top of the automobile was down or up? A. Well, I am not so well posted. Furthermore, I pay no attention to them wheels outside.

ATTORNEY PENNEY OBJECTS. Mr. Penney—Just a moment. I object to this and other things not relevant to the issue.

The Court—You have no right to make objection. I want to hear all about it.

Mr. Penney—I think I have a right, if you honor please.

The Court—Don't think you have. Mr. Penney—Well, if your honor please, I think that there is a common law right on the part of any one to insist that if there is a legal proceeding affecting the rights of any person it only be affected by legal evidence, and if this is an inquest, the evidence should be legal evidence.

The Court—Well, I think that I understand how to conduct this examination, and there is a question here whether this was a suicide or whether it was an accident. The movements of this automobile, the movements of the witnesses, and the time he went over the brink, I want to know fully.

MOVEMENTS OF THE AUTOMOBILE. The witness—I was standing in front of the barn about quarter past 5 and noticed this wheel come up along Kensington and Bailey avenues and then turn right on the street where the automobile was running.

Q. Was it raining at that time? A. It was pouring down. It wasn't raining; it was pouring. There is how I know it was that wheel.

Mr. Penney—If your honor please, I suppose, perhaps, this is some time interest, but, according to my view, is anything but a legal proceeding. I do not see how that is competent.

The Court—Is there anything that you know about this automobile.

The witness—That is all. I seen him move back up Kensington again and stop. I want about his wife, and that time the last time I saw him he was up as far as the railroad track on Kensington avenue. I couldn't see how far from Bailey avenue, but it is in good sight. That is all I know. I wouldn't know anything about the automobile if it wasn't for the slushy evening.

I didn't see the occupants of the automobile. They had their heads down and went to their own. I saw it was a gentleman and a lady, and that is all I know. I learned the next morning that an automobile had been in the scene. Not before that did I learn it.

Mr. Penney took the witness in hand and questioned him for several minutes. He nagged him for his reason for fixing the time he saw the automobile. Then he asked—Do you know the difference between an automobile and a car?

Q. Yes, I do. A. I don't know. Mr. Penney—Do you know the difference between an automobile and a car? A. I don't know. Mr. Penney—Do you know the difference between an automobile and a car? A. I don't know.

Q. Did you see anything taken out of any iron boxes in the night of March 10? A. I saw some things taken out and put back. Q. Did you see any papers taken out of any of the iron boxes in the office? A. I saw some taken out and put back.

Q. Did you examine any papers that were contained in those iron boxes? A. I did—A number of them.

Q. Did you find any envelopes in those iron boxes? A. I did not.

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house until J. Fred Pennell had arrived here. He visited Pennell's office on the morning after the tragedy, found a policeman on guard and told Pennell's clerk to let him in. He then went to the office and found Pennell's body on the floor.

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being a defaulter? A. I don't understand your question, your honor.

The Court—Well, it has been generally talked and heralded that the death of Pennell was due to some of the family or some one interested in the estate of Pennell has given it out that he was a defaulter.

Q. Do you know of any paper being left by Arthur R. Pennell admitting that he owed anybody any particular amount of money? A. No.

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action. His allegations were properly denied, and the issue would have been squarely met, had the death occurred in the hands of some unknown woman whom he had invited to his house at midnight.

Nothing more unfortunate could have occurred in the neighborhood, and the entire matter necessarily became public, and if the truth could have appeared, the harm would not have been so great, but truth and yellow journalism in big-city poles, and consequently a mass of lies, fiction and imagination was published which had no possible basis in fact, but for the sake of those most concerned of those misrepresentations must be taken up and met.

First, in reference to the office which I was alleged to have maintained in the Elliott Square. That office was leased and furnished by me under an arrangement with another man, whose name can be given, to enable me to do so.

Secondly—In reference to the alleged statements of a New York detective agency who were made to the public, I desire to say that without knowing what arrangements were made with them by any person, or statements on the part of such person, or any other person involved are unfoundedly false and have no basis in fact.

Third—During the pending of the divorce action, it became necessary for me to consult with the defendant in reference to the matter. For that purpose, it was necessary that a meeting should take place here, New York or Atlantic City, but in such cases, as can be absolutely certain, and circumstances as to absolutely negative any other idea than the purpose of transacting the affairs relative to the divorce.

Fourth—It may be said that the crime is as great a mystery to the writer as to any one. That the terrible notoriety and publicity which has been brought upon me, especially women, who have entirely undeserved it, and great wrong has been done as a result, and that the family which has and must suffer most. For this we must thank the spirit of yellow journalism, which does not hesitate to violate the principles of the press, honor, and justice, and to make a mockery of the law and the people.

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## FIRE ROUTS MANY TENANTS.

LIVELY SCENES AT A BLAZE IN FIFTH AVENUE.

Capt. Zalinski, the inventor, said down the banister—Some of his valuable Plans Destroyed—Art Objects in a Room Building Burned—Loss \$100,000.

The tenants in the apartments on the four upper floors of the five-story double brownstone building at 220 and 222 Fifth Avenue were routed out of their beds about 4 o'clock yesterday morning by a fire which started in an old-fashioned, three-story, mansard-roof building in the rear. It has been used as a storage place by John F. Douthitt, an art dealer, who occupies the ground floor at 222 Fifth Avenue.

The building where the fire started is said to be more than fifty years old and to have been a private residence surrounded by a spacious garden at a time when the rest of the block was not built up. The block is bounded by Fifth Avenue, Twenty-seventh Street, Broadway and Twenty-third Street. The Hotel Victoria runs along its northern front from Broadway to Fifth Avenue.

The Victoria Annex is at its southwestern corner, while its southeastern corner is occupied by the Croisic apartment house. The fire destroyed a number of plans, models and memoranda belonging to Capt. E. L. G. Zalinski, the inventor of the dynamite gun, who, with his nephew, Lawyer Simon L. Adler, occupied three rooms on the top floor of the apartment house. Capt. Zalinski, who has been at work for a long time on a new gun, was unable last evening to tell how serious his loss was.

The other tenants at 220 and 222 were: J. Ensign Fuller, his sister and niece; the Misses Huntington, musicians and relatives of the late John Huntington; Mrs. Penfield, artist, and Miss Little, a stenographer; Mrs. Rich and daughter, George H. Whitmore, Mrs. Kraus, Mrs. R. J. Higginson, sister-in-law of Admiral Higginson, and her daughter; and Mr. and Mrs. J. Richard Tennant.

After the first alarm of fire Mr. Tennant started out to route the other people in the building. She began with Capt. Zalinski, who is a cripple. From his room she went to every other apartment in the house.

Special Policeman Dunn and Mr. Adler tried to carry Capt. Zalinski down, but found him too heavy. The inventor, mechanical mind, assisted himself and by his direction the two men lifted him on the old-fashioned banister and began to slide him down. They had passed two floors successfully, when they got tangled up in a lot of hose dragged upstairs by the firemen. Capt. Fred of Hook and Ladder 14 picked up the inventor and carried him down.

Mrs. Penfield was discovered in her room by the janitor, William H. Harris. She was sitting on the floor, and he found her taking a book and drawings down from the walls. She was a widow and had a husband full of pictures. Mrs. and Miss Higginson were also found in their rooms. Mrs. Penfield's drawings and sketches are worth \$700 apiece.

When Policeman Duffy reached the top floor he found the women chasing the cats from one room to another. The cats would not be caught and the women would not leave without their cats. Duffy had to help in the hunt until he had helped the cats get away in a basket. Then the whole party made its way to the street.

The first cause of the fire is said to have been a gas leak in a room on the second floor. A gas pipe had been broken and the gas had leaked out. The gas had been ignited by a lighted cigarette. The fire spread rapidly and the building was soon in flames.

The fire caused a great deal of damage to the building. The loss is estimated at \$100,000. The building was built in 1850 and was one of the best of its kind in the city. It was a fine example of the architecture of the time.

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## PENNSYLVANIA RAILROAD PERSONALLY-CONDUCTED TOURS TO LOS ANGELES AND THE PACIFIC COAST ON ACCOUNT OF THE PRESBYTERIAN GENERAL ASSEMBLY

The Pennsylvania Railroad is the only Railroad that will run tours to this Convention under its own auspices.

ASSEMBLY TOUR HOME MISSION TOUR MAY 13 TO JUNE 5, 1903. MAY 13 TO JUNE 11, 1903.

Special Train of Pullman Dining and Drawing-Room Sleeping Cars, going via Chicago and the Grand Canyon of Arizona, returning via Albuquerque and Chicago.

RATE \$184.50 from New York RATE \$159.00 from New York

Returning independently on regular trains, \$100.00 and \$125.00 from New York, according to route selected.

YELLOWSTONE PARK TOUR MAY 12 TO JUNE 23, 1903.

Special Train of Pullman Dining, Drawing-Room Sleeping, and Observation Cars, returning via San Francisco, Portland, and Yellowstone Park.

RATE \$258.00 from New York